

**REMARKS**

The Official Action dated July 6, 2004 has been carefully considered. Accordingly, the changes presented herein, taken with the following remarks, are believed sufficient to place the present application in condition for allowance. Reconsideration is respectfully requested.

By present amendment, claim 1 has been amended to specify that there are three or more closed loops, and that the device is capable of holding two or more objects. Support for this amendment is found in the specification at page 3, line 3, through page 4, line 25, and in Figures 1-5. In addition, new claim 18 has been added to specify that the spacing of the loops is equal to or larger than a golf ball, and thus suitable for objects such as pine cones. Support for this amendment is found in the specification at page 2, line 16, through page 3, line 2, and Figures 1-5. Also, new claim 19 has been added to specify that the loops are flexible enough to allow the entry of objects such as pine cones. Support for this amendment is found in the specification at page 3, lines 1-2. It is believed that these changes do not involve any introduction of new matter, whereby entry is believed to be in order and is respectfully requested.

In the Official Action, the Examiner objected to the drawings under 37 CFR 1.83(a) as not showing "a grid or mesh structure," "a plate," or "some combination thereof" as stated in claim 16. As noted above, drawings 6, 7 and 8 have been submitted which show these features. Accordingly, the objection is traversed and reconsideration is respectfully requested.

Claims 1-10, and 12-17 were rejected under 35 U.S.C. 102(b) as being anticipated by Phillips (U.S. Pat. No. 4,334,707). The Examiner asserted that Phillips discloses an elongated handle, a base mount, a series of loops substantially parallel to form a substantially basket or container with two opposing ends, the loops formed from a single wire, rectangular shaped, permanently attached, and capable of removing, wherein two of the bends are about 90 degrees.

The rejection is traversed. By present amendment, claim 1 is amended to specify that the subject invention comprises three or more parallel loops. As seen in Figures 2-4, Phillips

discloses only two perpendicular pairs of parallel loops, spaced apart a distance somewhat less than a golf ball. Also by present amendment, claim 1 is further amended to specify that the basket form by the closed loops is large enough to contain two or more objects. In contrast, the device disclosed in Phillips is designed to hold a single golf ball. Furthermore, the device disclosed in Phillips has loops that actively engage and hold the ball captive against the base (see col. 2, lines 37-47, and col. 3, line 60, through col. 4, line 8). In contrast, the loops of the present invention do not engage the object being picked up, and do not hold the object against the base mount. The objects are loose inside the basket. Applicant finds no teaching or suggestion by Phillips of a device with three or more parallel loops designed to hold multiple objects as now disclosed in claim 1. As claim 1 as amended is now in allowable form, claims 2-10 and 12-17 are now allowable in present form. Accordingly, the rejection with regard to claims 1-10 and 12-17 is traversed and reconsideration is respectfully requested.

Claims 1-6, 8-10, 12 and 17 were rejected under 35 U.S.C. 102(b) as being anticipated by Sullivan (U.S. Des. 4,334,707). The Examiner asserted that Sullivan discloses an elongated handle, a base mount, a series of loops substantially parallel to form a substantially basket or container with two opposing ends, the loops formed from a single wire, rectangular shaped, permanently attached, and capable of removing, wherein two of the bends are about 90 degrees.

The rejection is traversed. The applicant finds no suggestion in Sullivan of a series of substantially parallel loops. As shown in Figs. 1 and 5 of Sullivan, the loops in the golf ball retrieval device disclosed by Sullivan are positioned at 60 degree angles to each other to form the sides and ends of a cylinder. In contrast, the loops of the present invention all are parallel to each other. In particular, each element of the loops of the present invention are parallel to the corresponding element of all the other loops (i.e., the sides of all loops are parallel, and the bottoms are all parallel). In addition, the ends of the cylindrical basket as disclosed by Sullivan are formed by the sides of the loops connected to a rotating disk, whereas the ends of the basket

of the present invention are open due to the design of the parallel loops, and need to be closed off with end-pieces. Moreover, the ends of the loops of the device disclosed by Sullivan are attached to two separate, opposing rotating disks which serve as base mounts. In contrast, the loops of the present invention are attached to the same base mount. And finally, the device of Sullivan retrieves golf balls by pushing the rotating cylindrical basket along the bottom of a body of water like a wheel. The present invention has no rotating parts, and pine cones and similar objects are pushed into the basket, which is cubical in form, by direct linear pressure. Accordingly, the rejection with regard to claims 1-6, 8-10, 12 and 17 is traversed and reconsideration is respectfully requested.

Claims 1-3, 6, 8, 11-13 were rejected under 35 U.S.C. 102(b) as being anticipated by Hall (U.S. Pat. No. 5,482,338). The Examiner asserted that Hall discloses an elongated handle, a base mount, a series of open loops substantially parallel to form a substantially basket or container with two opposing ends, the loops formed from a single wire, permanently attached, one or more of the loops are bent in at least two places so that the basket having a bottom face bent inwardly along the bottom face being concave or angled towards the base mount, one or both ends of the basket are closed by a series of open loops diminishing in size.

The rejection is traversed. By present amendment, claim 1 is amended to specify that the subject invention comprises closed loops. As seen in Figure 1, Hall discloses only a series of fingers (which the Examiner describes as "open" loops). As shown in Fig. 4 of Hall, the golf ball rake functions by passing golf balls through the opening formed by the fingers. The golf balls are not forced between the fingers, which are described as "rigid" (see col. 1, lines 45-47). In contrast, the loops of the present device are closed and do not have a similar opening. Further, because the loops of the present invention are closed, the loops are flexible enough to allow objects to be squeezed between the loops into the basket, as described in new claim 19. Finally, the indentation on the bottom face of the present invention is designed to assist in holding the

pine cone or other object in place as it is forced through the loops into the basket. The inward bend along the bottom of the open loops as disclosed in Hall does not provide such a function; in contrast, it comes into play after a golf ball has entered the basket through the opening by creating a slight trough to help retain golf balls in the basket (see Hall col. 3, lines 3-7). In addition, the fingers of the device in Hall are spaced sufficiently close to ensure a golf ball cannot pass through (see Hall col. 2, lines 27-32). As claim 1 as amended is now in allowable form, claims 2-3, 6, 8, and 11-13 are now allowable in present form. Accordingly, the rejection with regard to claims 1-3, 6, 8, and 11-13 is traversed and reconsideration is respectfully requested.

Accordingly, the rejections of claims 1-17 under 35 U.S.C. 102(b) have been traversed, and reconsideration is respectfully requested. It is believed that the above represents a complete response to the rejections under 35 U.S.C. 102(b), and places the present application in condition for allowance. Reconsideration and an early allowance are requested.

Respectfully submitted,

  
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